

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Brian D. Zelickson, et al.

Serial No.: 10/633,820

Filed: August 4, 2003

For: DEVICE AND METHOD FOR

TREATMENT OF GASTROESOPHAGEAL

REFLUX DISEASE

Group Art Unit: 3736

Confirmation No.: 7509

Examiner: John Lacyk

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR § 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. Copies of US Patents and US Patent Publications are not enclosed, pursuant to the US Patent & Trademark Office amendment to the 37 CFR § 1.98(a)(2)(i) that eliminates the requirement for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application. Copies are not enclosed since each item was submitted or cited in parent application (Patents Nos. 5,074,840; 5,277,201; 5,374,261; 5,443,463; 5,443,470; 5,562,720; 5,891,134; 6,277,089)

11/22/2005 MGEBREM1 00000005 502518 10633820

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The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

Information Disclosure Statement Filing Provision:

filed un 1.491; o	three monder § 1. or (3) be	on S is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) on the filing date of the application, which is not a continued prosecution application 53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § after the mailing of a first Office action on the merits; or (4) before the mailing of a first office filing a request for continued examination under § 1.114. Thus, no fee is required.			
		However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below.			
		However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.			
⊠ on the 1 § 1.311	merits, b	S is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action out before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR			
·	\boxtimes	The fee due under 37 CFR § 1.17(p) is submitted herewith.			
		A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.			
-	or a No	oS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR office of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A r 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted			
		STATEMENT UNDER 37 CFR § 1.97(e):			
	Each it	em contained in this IDS was first cited in any communication from a foreign patent office			
in a cou	ınterpar	t foreign application not more than three months prior to the filing of this IDS.			
	No iten	n contained in this IDS was cited in a communication from a foreign patent office in a			
counter	part for	eign application, and, to the knowledge of the person signing this statement after making			
reasona	able inqu	airy, no item of information contained in this IDS was known to any individual designated			
in 37 C	in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.				

	PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:				
	A check in the amount of is enclosed for the above fee(s).				
\boxtimes	Please charge \$180.00 to Deposit Account No. 50-2518 for the above fee(s).				
	Although applicant believes no fee is required, the Commissioner is authorized to charge any fees				
	required by the filing of these papers, and to credit any overpayment to Bingham McCutchen's				
	Deposit Account No. 50-2518.				
	Respectfully submitted, BINGHAM McCUTCHEN LLP				
Dated:	November 17, 2005 By: David T. Burse Reg. No. 37,104				
	HAM McCUTCHEN LLP				
I hree l	Embarcadero, Suite 1800				

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Approved for use through 10/31/2002. OMB 0651-0031 S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Under the Paperwork Reduction Act of 1995, no crossons are required to respond to a collection of information unless it contains a valid OMB control number.						
for form 1449A/PTO						
			Application Number	10/633,820		
RMATION DISCLOSURE EMENT BY APPLICANT			Filing Date	August 4, 2003		
			First Named Inventor	Brian Zelickson, et al		
			Group Art Unit	3736		
use as many sheets as necessary)			Examiner Name	John Lacyk		
1	of	1	Attorney Docket Number	80-7039313001 (04-004 US04)		

	U.S. PATENT DOCUMENTS				
Examiner Initials *	Cite No.1	U.S. Patent Document	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	1.	5,074,840	Yoon	12-24-1991	
	2.	5,277,201	Stern	01-11-1994	
	3.	5,374,261	Yoon	12-20-1994	
	4.	5,443,463	Stern et al.	08-22-1995	
	5.	5,443,470	Stern et al.	08-22-1995	
	6.	5,562,720	Stern et al.	10-08-1996	
	7.	5,891,134	Goble et al.	04-06-1999	
	8.	6,277,089	· Yoon	08-21-2001	

Examiner Signature	Date Considered	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Alexandria, VA 22313-1450.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark hee if English language Translation is attached.